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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,360	09/18/2000	Jin-Tae Roh	3449-0132P	3954

2292 7590 02/27/2006

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT PAPER NUMBER

2656

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/664,360		ROH, JIN-TAE	
	Examiner		Art Unit	
	Aristotelis M. Psitos		2656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22,24-28 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22,24-28 and 30-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. **Applicant's response of 1/26/06 has been considered with the following results.**

The finality of the previous OA is withdrawn. The amendment of 1/26/06 has been entered and the following action on the merits is taken.

The rejections as previously stated in the FR are obviated by applicants' response of the above noted date. Prosecution on the merits is reopened

Claims 4-12 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/8/05.

Drawings

2. The corrected/substitute sheet file on 1/26/06 has been approved and entered into the file.
Claims 22, 24-28,30-36 are pending and the following action on the merits is taken.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claim 22 is rejected under 35 U.S.C. 103(a) as obvious over Nakajo further considered with Shoji et al.

The following analysis is made:

Claim 22

Nakajo

A method for recording data on an optical recording medium, comprising the steps of:

see abstract & fig. 2

reading out a reference recording condition recorded on an optical recording medium;

see description of fig 8 & col. 2 line 63 to col. 3 line 23, & col. 5 lines 29 plus

recording test data while varying a recording condition with respect to the reference recording condition;

see col. 7 line 53 to col. 8 line 41

determining an optimum recording power, based on reproduction characteristics of the test data; and

see col. 5 lines 10-47

recording a recording condition data including the optimum recording power, recorder identification, recording speed and write strategy on a specific area of the optical recording medium,

With respect to recorder id, speed and write strategy see above noted passages & with respect to the recorder id, see secondary reference to Shoji et al, e.g. col. 3, lines 7-13.

wherein the specific area of the optical recording medium is a lead-in area or an area inner than the lead-in area of the optical recording medium.

see col. 5 lines 52 plus in Nakajo

In the above analysis, the examiner interprets the overall system of Nakajo as providing for an test writing capability in an optical recording & reproducing system, wherein appropriate control information is obtained, and predicated upon such at various recording modes of operation, i.e., at various linear speeds, the laser is controlled to permit/obtain/determine

optimum recording power – applicants' attention is drawn to col 2 line 64 till col. 4 line 12, for the overall genesis.

The examiner further interprets the atip signal as further elaborated upon as discusses - starting at col. 5 lines 30-66 as meeting the wherein limitation as well as the appropriately claimed reference recording condition.

The recording condition discussed in Nakajo provides for the optimum recording power, speed and write strategy- see further discussion starting at col. 7 line 3 till col. 8 line 42.

There is no clear mention/discussion with respect to a recorder identification.

Shoji et al discusses in an optimizing optical recording and reproducing system the ability of including a variety of signals for further control capabilities – including recorder – device specific information – see for instance at col. 3 lines 5-22. Appropriate incorporation of these control information signals so as to optimize the recording capabilities are then discussed. The test – random pattern signal – is generated and detected accordingly for setting the laser power to an optimum value.

It would have been obvious to modify the base system of Nakajo with the above additional teaching from Shoji et al, motivation is to provide for an expanded recording condition and include additional system parameters such as the recording/device – identifier, thereby permitting Nakajo to use discs of the type discussed in Shoji et al and hence updating its functionality to include “next” generation disc formats”.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Nakajo.

With respect to independent claim 28, this claim differs from independent claim 22 in the following:

“ ... and a predetermined recording speed; “ line 5,

and

“recording a recording condition data including the

optimum recording power for the specific recording speed

and write strategy for the specific recording speed to

be used to record data, on a specific area of the

optical recording medium,” as recited in lines 8-10,

As analyzed above, such limitation is present in the above base reference. There is no recorder identification requirement.

Hence the reliance upon Shoji et al for such an additional teaching is not needed.

Nevertheless, it is also noted that Shoji et al also teaches the various modes, e.g. write strategies by varying the pulse lengths accordingly, various placement of control information – through out the record medium.

Claim Rejections - 35 USC § 103

7. Claims 25-26,30-31,33,34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajo further considered with Shoji et al.

8. With respect to claim 25, such is considered additional taught by the Shoji et al system – note in particular the discussion of permitting/having various disc recording segments through out the record medium – see for instance the discussion of figures 20, 31, 34, 35, 37 & 38.

With respect to claims 26 and 33, the sync code is considered to be inherently present in the atip data.

With respect to claims 30,31,34 and 36 see the above analysis with respect to the different speed(s) – i.e., as noted in Nakajo starting at col. 7 line 52 and continuing till col 8 line 47, and the identification of the recorder/device in Shoji et al again as noted above..

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 22 above, and further in view of Jacobs et al.

The ability of having a plethora of in this environment the ability of providing for test recording abilities prior to each recording session/location – see the discussion in Jacobs et al teach commencing at col. 7 line 65 to col 8 line 16.

It would have been obvious to modify the above system with this additional teaching, motivation is to ensure proper signal recording especially to ensure proper signal power levels at the various locations throughout the record medium.

10. Claims 27, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 22, 31 and 28 above, and further in view of the acknowledged prior art.

The examiner interprets (has interpreted) this limitation as disclosed in the acknowledged prior art figure 9. Proper identification of such (i.e., patent #, document, publisher, etc) is respectfully requested to complete the search report.

It would have been obvious to modify the base system as relied upon above in paragraphs 4 and 6 with this additional limitation, motivation is as discussed with respect to this acknowledged prior art.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

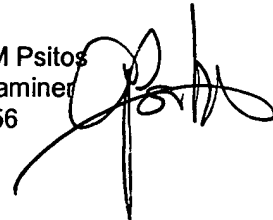
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-Thursday 8 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 2656

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Senior Aristotelis M Psitos
Primary Examiner
Art Unit 2656



AMP


Administrative SPE
Division 2627